IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 12655 of 1997

Between:

M/s.Reliance Celloulose Products Ltd., Rep.by its Executive Director Sri A.K.Jhun-Jhunwala, Patancheru, Medak District.

..... PETITIONER

AND

1 Industrial Tribunal-II
Chandra Vihar Building Hyderabad.
2 K.Nandaji S/o.K.Prasad
C/o.President M/s.Nagarjuna Steels Limited
Employees Union Patancheru,Medak District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or writ particularly one in the nature of Writ of Certiorari after calling for records from the 1st respondent and quash the Award passed by the 1st respondent in I.D.No.88/94 dated 29-6-96 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.K.SRINIVASAMURTHY

Counsel for the Respondent No.1: G.P. for Labour

Counsel for the Respondent No.2: MS.P.A.KAMALESWARI

The Court made the following:

ORDER:

Heard the learned counsel for the petitioner and also the learned counsel appearing on behalf of the respondents.

The petitioner herein, which is a Management, files this writ petition, *inter alia*, seeking a writ against the award passed in I.D.No.88 of 1994, dated 29.06.1996, whereunder the action of the petitioner in terminating the services of one workman namely, K.Nandaji, was held to be bad and directed reinstatement with continuity of service, however, with 1/3 of back wages.

The case of the petitioner in short is that the said worker having been on strike at the instance of an unorganised Union, has been rightly terminated. However, at the instance of the said Union, the matter was referred to the first respondent herein which was taken up as I.D.No.88 of 1994 and ultimately after holding an enquiry, wherein the evidence having been recorded through the documents, the award was passed holding that the said termination was invalid and directed reinstatement with consequential benefits as aforesaid.

Though the learned counsel for the petitioner sought to raise several

contentions, however, it is seen that having regard to the finding as arrived at by the first respondent herein especially holding that the domestic enquiry is not valid, nothing has been proved before the first respondent to show any enquiry or prosecution behind the action of termination of the said worker. It is also held that the punishment of termination of the services being not commensurate with the seriousness of the allegations, is totally illegal and rightly set aside.

Having regard to the finding as arrived at by the first respondent which is purely a fact, the scope of this Court would not go into the same and cannot re-appreciate to come to a different conclusion. Except the same, no other grounds have been urged to show as to why the said order is vitiated.

In the circumstances, I do not find any merit in the writ petition. Accordingly, the writ petition is dismissed. No costs.

10.12.2004

VGB

To

1 The Chairman, Industrial Tribunal-II
Chandra Vihar Building Hyderabad.

2 2 CCs to G.P. for Labour, High Court of A.P., Hyderabad (OUT).

3 2CD copies